3.3 Biological Resources

This section describes the affected environment and regulatory setting for the biological resources and jurisdictional areas of the Project Site and associated study area (see below). It also describes the potential impacts that would result from implementation of the Venice Auxiliary Pumping Plant (VAPP or Proposed Project) on these resources and provides mitigation measures, where necessary, to reduce or avoid such impacts. The environmental setting information and analysis in this section is summarized from the *Biological Resources and Habitat Assessment* and *Jurisdictional Delineation Report* (January 2016). These technical reports are hereby incorporated by reference and included as Appendices C and D, respectively of this EIR.

Within this section, the term "study area" refers to the Project Site plus an additional 500-foot buffer area surrounding the Project Site (see Figures 1-3 in Appendix C of this EIR). Special-status species referred to in this section include those plants and wildlife species listed as threatened or endangered under federal or state endangered species acts (California Department of Fish and Wildlife [CDFW] 2015a), plant species designated by the California Native Plant Society (CNPS) with a California Rare Plant Rank (CRPR) or other plants of local concern (CNPS 2015), and wildlife that is designated as a California Species of Special Concern, as defined by CDFW (CDFW 2015a).

The biological resources and jurisdictional delineation were conducted to provide recommendations for design and construction of the VAPP at the Project Site. Thus, the recommendations presented in these reports will be incorporated into project design and construction plans and specifications, and address biological resources and jurisdictional issues, including special-status plants and wildlife, threatened and endangered plants and wildlife, sensitive plant communities, essential fish habitat, non-listed special-status animals, nesting birds, raptor foraging, wildlife corridors, environmentally sensitive habitat areas, and jurisdictional areas, including waters of the United States and California and wetlands. As noted in the analysis below, with the implementation of mitigation measures, direct and indirect impacts associated with biological resources and to jurisdictional areas during construction or operation would be less than significant.

3.3.1 Regulatory Setting

A review of the various federal, state, regional, and local government regulatory requirements was conducted to identify regulations that provide protection of biological resources and wetlands. This section summarizes the various regulatory requirements that are relevant to the Proposed Project.

3.3.1.1 Federal Laws

Endangered Species Act of 1973 (16 U.S.C. Sections 1531 to 1543)

The Endangered Species Act of *1973* (ESA) and subsequent amendments provide guidance for the conservation of federally listed species and the habitats upon which they depend.

Prohibited Acts (ESA Section 9)

ESA Section 9 prohibits the "take" of any fish or wildlife species listed under ESA as threatened or endangered, unless otherwise authorized by federal regulations. "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. There are two processes, ESA Section 7 and ESA Section 10, whereby take can be allowed for activities when they are incidental to an otherwise legal activity.

Interagency Consultation and Biological Assessments (ESA Section 7)

ESA Section 7 provides a means for authorizing take of threatened or endangered species by federal agencies and applies to actions that are conducted, permitted, or funded by a federal agency. It requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS), as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. If a proposed project "may affect" a listed species or destroy or modify critical habitat, the lead agency is required to prepare a biological assessment evaluating the nature and severity of the potential effect.

Habitat Conservation Plans (ESA Section 10)

ESA Section 10 requires obtaining an Incidental Take Permit from the USFWS, for non-federal activities that might incidentally harm (or "take") endangered or threatened wildlife. In order to obtain a permit, a Habitat Conservation Plan must be developed to offset any harmful effects the proposed activity might have on the species.

Section 404 of the Clean Water Act of 1977 (33 U.S.C. Sections 1251 to 1376)

The Clean Water Act of 1977 (CWA) serves as the primary federal law protecting the quality of the nation's surface waters, including wetlands. Under Section 404, the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) regulate the discharge of dredged and fill materials into the waters of the United States. These waters are primarily defined as navigable waterways or water features (including wetlands) that have a significant nexus to navigable waters. Project sponsors must obtain authorization from USACE for all discharges of dredged or fill materials into waters of the United States before proceeding with a proposed activity. Individual Section 404 permits may only be issued for a least environmentally damaging practicable alternative. Compliance with CWA Section 404 requires compliance with several other environmental laws and regulations. The USACE cannot issue an individual permit or verify the use of a general permit until the requirements of National Environmental Policy Act of 1969 (NEPA), ESA, the Coastal Zone Management Act (CZMA) and the National Historic Preservation Act (NHPA) have been met. Additionally, no permit can be issued or verified until a water quality certification, or waiver of certification, has been issued pursuant to CWA Section 401.

Protection of Wetlands (Executive Order 11990)

Executive Order 11990 (*Federal Register*, Volume 42, Number 26 [May 24, 1977], p. 3) aims to avoid direct or indirect support of new construction in wetlands when a practicable alternative is available. If wetland effects cannot be avoided, all practicable measures to minimize harm must be included.

Coastal Zone Management Act (16 U.S.C. Section 1451 et seq.)

The CZMA encourages states to preserve, protect, develop, and where possible, restore or enhance valuable natural coastal resources such as wetlands, floodplains, estuaries, beaches, dunes, barrier islands, and coral reefs, as well as the fish and wildlife using those habitats. Participation in the CZMA is voluntary, however, it makes federal financial assistance available to any coastal state, tribe, or territory that is willing to develop and implement a comprehensive coastal management program.

Fish and Wildlife Coordination Act (16 U.S.C. Sections 661 to 667e et seq.)

The Fish and Wildlife Coordination Act applies to any federal project where any body of water is impounded, diverted, deepened, or otherwise modified. Project proponents are required to consult with USFWS and the appropriate state wildlife agency.

Migratory Bird Treaty Act (MBTA) (16 U.S.C. Sections 703 to 712)

The Migratory Bird Treaty Act (MBTA) protects migratory birds and their parts (including eggs, nests, and feathers). The MBTA prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. Projects that are likely to result in the taking of birds protected under the MBTA will require the issuance of take permits from the USFWS. Activities that would require such a permit would include, but not be limited to, removal of nests, eggs, and feathers.

Protection of Migratory Bird Populations (Executive Order 13186)

Executive Order 13186 (*Federal Register*, Volume 66, Number 11 [January 17, 2001], p. 4) directs each federal agency taking actions that have or may have adverse impact on migratory bird populations to work with USFWS to develop a memorandum of understanding that will promote the conservation of migratory bird populations. This includes avoiding and minimizing adverse impacts on migratory bird resources when conducting agency actions, restoring and enhancing migratory bird habitats, and preventing or abating the pollution or detrimental alteration of the environment for the benefit of migratory birds.

Invasive Species (Executive Order 13112)

Executive Order 13112 (*Federal Register*, Volume 64, Number 25 [February 8, 1999], p. 3) requires federal agencies to work cooperatively to prevent and control the introduction and spread of invasive plants and animals.

3.3.1.2 State Laws

California Coastal Act (Public Resource Code Division 20, Section 30000 et seq.)

The California Coastal Act is the state's Coastal Zone Management Program, as referenced under the CZMA, above. The California Coastal Act defines the "coastal zone" of California as extending generally 1,000 feet (305 meters) inland from the coast and 3 miles (5 kilometers) seaward. In certain areas, the inland boundary can extend up to 5 miles (8 kilometers). The California Coastal Act requires a Coastal Development Permit (CDP) from either the Coastal Commission or the City Engineer, as a local permit issuing agency. For this project, the work within the Grand Canal will require a state CDP, while work outside of the canal will require both state and local CDPs.

Porter-Cologne Water Quality Control Act (California Water Code Division 7)

The Porter-Cologne Water Quality Control Act (Porter-Cologne) established nine Regional Water Quality Control Boards (RWQCBs). These boards oversee water quality on a day-to-day basis at the local and/or regional level, and prepare and update water quality control plans. The RWQCBs also issue Section 401 water quality certifications under the federal Clean Water Act. Porter-Cologne also grants ultimate authority to the State Water Resources Control Board (SWRCB) over state water rights and water quality policy.

California Fish and Game Code

California Endangered Species Act (Sections 2050 to 2085)

The California Endangered Species Act (CESA) establishes the policy of the state to conserve, protect, restore, and enhance threatened or endangered species and their habitats, by protecting "…all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation." It mandates that state agencies do not approve a project that would jeopardize the continued existence of these species if reasonable and prudent alternatives are available that would avoid a jeopardy finding. There are no state agency consultation procedures under CESA. For projects that would affect species that are federally and state-listed, compliance with the federal ESA satisfies CESA if CDFW determines that the federal incidental take authorization is consistent with CESA under Section 2080.1. For projects that would result in take of a species that is state-listed only, the project sponsor must apply for a take permit in accordance with Section 2081(b).

California Native Plant Protection Act (Sections 1900 to 1913)

The California Native Plant Protection Act requires all state agencies to utilize their authority to carry out programs to conserve endangered and rare native plants. It prohibits importation, take, and sale of such plants. The CESA defers to the California Native Plant Protection Act of 1977 (California Fish and Game Code Sections 1900–1913), which ensures that state-listed plant species are protected.

Bird Nesting Protections (Sections 3503 and 3503.5)

Bird Nesting Protections state that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. To avoid violation of the take provisions, it is generally required that project-related disturbance at active nesting territories be reduced or eliminated during the nesting cycle.

Fully Protected Species (Sections 3511, 4700, 5050, 5515)

Four sections of the *California Fish and Game Code* list 37 fully protected species (California Fish and Game Code Sections 3511, 4700, 5050, and 5515) and prohibit take or possession "at any time" of the species listed, with few exceptions, and state that "…no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to 'take' the species," …and that no previously issued permits or licenses for take of the species shall have any force or effect…" for authorizing take or possession.

3.3.2 Environmental Setting

This section describes the environmental setting or conditions related to biological resources and jurisdictional areas within the project study area. This information is intended to assist in the evaluation and conclusions of the impact analysis provided below and in the formation of required mitigation measures.

3.3.2.1 Vegetation/Land Use Types

The study area is composed of ornamental vegetation associated with developed and/or disturbed lots surrounding the Grand Canal and Ballona Lagoon, both of which contain native plant communities with varying composition of non-native species. Table 3.3-1 summarizes the vegetation communities within the study area. The location of each vegetation community within the study area can be found in Figure 3 in Appendix C of this EIR.

Table 3.3-1. Vegetation Communities/Land Use/Land Conditions within the Study Area

Vegetation Community/Land Use/Land Condition	Acres
Developed	24.60
Disturbed/Ruderal	0.18
Open Water	3.13
Southern Coastal Salt Marsh	0.86
Coastal Brackish Marsh	0.16
Southern Foredunes	0.43
Southern Coastal Bluff Scrub	0.35
Total	**29.74**
Source: ICF, 2015.	

Developed and Disturbed/Ruderal

Developed lands within the study are associated with the residential structures and surface roads and include ornamental vegetation typically associated with the developed areas such as Mexican fan palm (*Washingtonis robusta*), acacia (*Acacia* sp.), eucalyptus (*Eucalyptus* sp.), Peruvian pepper tree (*Schinus molle*), iceplant (*Carpobrotus* sp.), and myoporum (*Myoporum* sp.). The disturbed/ruderal vegetation type consists of both native and non-native annual and perennial plant species such as iceplant, garland chrysanthemum (*Glebionis coronaria*), telegraphweed (*Heterotheca grandifolia*), cheeseweed (*Malva parviflora*), Bermuda grass (*Cynodon dactylon*), and Australian saltbush (*Atriplex semibaccata*).

Open Water

Open Water consists of the tidal influenced Grand Canal and Ballona Lagoon. Grand Canal opens to Marina Del Rey Marina approximately 4,000 feet to the south through a flood gate system under Via Marina road. Mudflats occur within the tidally influenced portions of the Biological Survey Area (BSA) and exposed areas of mudflats fluctuate with tide action. A small strip of exposed mudflat occurs within the project footprint during low tides within this habitat type.

Southern Coastal Salt Marsh

This vegetation type was identified within the tidal zone of the Grand Canal and Ballona Lagoon and is dominated by native wetland species such as pickleweed (*Sarcocornia pacifica*), batis (*Batis maritima*), wooly seablight (*Suaeda taxifolia*), spearscale (*Atriplex prostrata*), and fleshy jaumea (*Jaumea carnosa*). Wooly seablight is a CNPS CRPR List 4.2 species (plants of limited distribution). Within the wetland-upland interface, species such as salt grass (*Distichilis spicata*), five-hooked bassia (*Bassia hyssopifolia*), beach bur (*Ambrosia chamissonis*), and alkali heath (*Frankenia salina*) are present.

Coastal Brackish Marsh

This vegetation type was identified immediately above the tidal zone of the Grand Canal and Ballona Lagoon. This area is dominated by species such as alkali heath, salt grass, five-hooked bassia, wooly seablight, beach bur, alkali heliotrope (*Heliotropium curassavicum*), and deerweed (*Acmispon glaber*). The lower portion of this area transitions to wetland species such as pickleweed, batis, and fleshy jaumea.

Southern Foredunes

This vegetation type was identified on the western side of Ballona Lagoon within the southwestern portion of the study area. This area is dominated by upland coastal dune and maritime sage scrub species. Dominant species observed on the western side of the lagoon include beach bur, deerweed, bluff buckwheat (*Eriogonum parviflora*), red sand verbena (*Abronia maritima*[1]), beach evening primrose (*Camissonia cheiranthifolia*), southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*[2]), telegraphweed (*Heterotheca grandifolia*), and Watson's saltbush (*Atriplex watsonii*).

Southern Coastal Bluff Scrub

This vegetation type was identified on the eastern side of Ballona Lagoon. Dominant species observed in this area include southwestern spiny rush, California encelia (*Encelia californica*), California sagebrush (*Artemisia californica*), prickly-pear cactus (*Opuntia littoralis*), and lemonade berry (*Rhus integrifolia*).

3.3.2.2 Plants

Most plant species that were observed within the study area are considered common within the study area vicinity and include a mix of native and non-native species. However, three special-status species were determined to be present within the study area: wooly seablite, southwestern spiny rush, and red sand verbena, each of which is CNPS CRPR List 4.2 species. In addition, suitable habitat for other special-status plant species is present within the study area and is discussed in more detail in Section 3.3.2.5, Special-Status Species. Appendix C of this EIR provides a list of all plant species observed on the Project Site during the habitat assessment.

Common native plant species observed during the habitat assessment included the following species: lemonade berry (*Rhus integrifolia*), California sagebrush(*Artemisia californica*), California encelia (*Encelia californica*), telegraphweed (*Heterotheca grandifolia*), alkali heath (*Frankenia*

[1] *Abronia maritima* is designated as a CNPS CRPR 4.2 species.
[2] *Juncus acutus* is designated as a CNPS CRPR 4.2 species.

salina), alkali heliotrope(*Heliotropium curassavicum*), prickly-pear cactus (*Opuntia littoralis*), saltwort, deerweed (*Acmispon glaber*), salt grass (*Distichilis spicata*), gut weed (*Ulva intestinalis*), sea lettuce (*Ulva lactuca*), western ragweed (*Ambrosia psilostachya*), ragweed (*Ambrosia* sp.), coastal goldenbush (*Isocoma menziesii*), beachwort (*Batis maritima*), mouse-ear chickweed (*Cerastium* sp.), Parish's pickleweed (*Arthrocnemum subterminale*), big saltbush (*Atriplex lentiformis*), saltbush (*Atriplex* sp.), Pacific pickleweed (*Salicornia pacifica*), pickleweed (*Salicornia* sp.), salt dodder (*Cuscuta salina*), vetch (*Vicia* sp.), suncup (*Camissonia* sp.), seacliff buckwheat (*Eriogonum parvifolium*), nightshade (*Solanum* sp.), and brittlegrass (*Setaria* sp.).

Common non-native species observed during the habitat assessment included: Mexican fan palm (*Washingtonis robusta*), acacia (*Acacia* sp.), eucalyptus (*Eucalyptus* sp.), Australian saltbush(*Atriplex semibaccata*), Bermuda grass (*Cynodon dactylon*), flax-leaved horseweed (*Erigeron bonariensis*), five-hooked bassia, cheeseweed, baby sun-rose (*Aptenia cordifolia*), fat-hen (*Atriplex prostrata*), hottentot fig (*Carpobrotus* sp.), Lamb's quarters (*Chenopodium album*), whitestem filaree (*Erodium moschatum*),spotted spurge (*Euphorbia maculate*), crown daisy (*Glebionis coronaria*), grass poly (*Lythrum hyssopifolia*), Ngaio tree (*Myoporum laetum*), Brazilian pepper tree (*Schinus terebinthifolius*), sowthistle (*Sonchus* sp.), and puncturevine (*Tribulus terrestris*).

3.3.2.3 Wildlife

Wildlife species observed within the study area are considered common to the general project vicinity. The majority of species recorded were birds such as mallard (*Anas platyrhynchos*), mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), white-throated swift (*Aeronautes saxatalis*), barn swallow (*Hirundo rustica*), cliff swallow (*Petrochelidon pyrrhonota*), northern rough-winged swallow (*Stelgidopteryx serripennis*), black phoebe (*Sayornis nigricans*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), European starling (*Sturnus vulgaris*), house finch (*Carpodacus mexicanus*), double-crested cormorant (*Phalacrocorax auritus*), great blue heron (*Ardea herodias*), great egret (*Ardea alba*), osprey (*Pandion haliaetus*), American coot (*Fulica americana*), black-bellied plover (*Pluvialis squatarola*), willet (*Tringa semipalmata*), whimbrel (*Numenius phaeopus*), marbled godwit (*Limosa fedoa*), and belted kingfisher (*Ceryle alcyon*). Marine invertebrates observed included buckshot barnacles (*Chthalamus* spp.), blue mussel (*Mytilus edulis*), California horn snail (*Cerithidea californica*), California mussel (*Mytilus californianus*), checkered limpet (*Lottia strigatella*), Gould's bubble snail (*Bulla gouldiana*), and Pacific oyster (*Ostrea lurida*). Marine vertebrates observed included California corbina (*Menticirrhus undulates*) and topsmelt (*Atherinops affinis*). Additional marine invertebrates observed within the Grand Canal include commonly occurring bivalves, mollusks, and crustaceans (LADPW 2005).

Appendix C of this EIR provides a list of all wildlife species observed on the Project Site during the habitat assessment.

Suitable habitat for several special-status wildlife species is present within the study area and is discussed in more detail in Section 3.3.2.5, Special-Status Species.

3.3.2.4 Federal and State Jurisdictional Aquatic Resources

Within the jurisdictional delineation study area (see Appendix D of this EIR), two named features that could be subject to the jurisdiction of the USACE, RWQCB/EPA, and the California Coastal Commission (CCC) were delineated: Ballona Lagoon and Grand Canal. These two features are treated as one for the purpose of this document. USACE and RWQCB potential jurisdictional areas within the study area total approximately 0.929 acre of Section 404 non-wetland waters of the

United States/Section 401 non-wetland waters of the state and 0.075 acre of Section 404 wetland waters of the United States and Section 401 wetland waters of the state. Additionally, 0.793 acre of potential USACE Section 10 waters of the United States was mapped in the study area. Potential CCC jurisdiction within the study area totaled approximately 0.929 acre of one-parameter wetlands.

3.3.2.5 Special-Status Species

Special-status species are plants and animals that are legally protected under the CESA, the federal ESA, or other regulations, as well as species considered sufficiently rare by the scientific community to qualify for such listing.

Special-Status Plants and Sensitive Vegetation Communities

A total of 47 special-status plant species were evaluated to have a potential to occur within the geographical vicinity of the project area. Thirteen are identified as federally and/or state threatened and endangered plant species, but are absent based on the absence of suitable habitat within the study area, the species being extirpated from the region, and/or recent negative floristic surveys for the Venice Tide Gate Project (LADPW 2005) and at the adjacent Ballona Wetlands. Thirty-four federal and/or state non-listed special-status plants were reviewed to have a potential to occur within the geographical vicinity of the project area. Three were determined to be present and include woolly seablite, southwestern spiny rush, and red sand verbena; identified as CNPS CRPR 4.2 species.

Three sensitive vegetation communities as defined by CDFW occur within the project vicinity: Southern Coastal Bluff Scrub, Southern Coastal Salt Marsh, and Southern Dune Scrub. Each of these communities occurs within the study area; however, only Southern Coastal Salt Marsh occurs within the disturbance footprint (see Figure 3.3-1).

Special-Status Wildlife

A total of 37 special-status wildlife species were evaluated to have potential to occur within the geographical vicinity of the project area. Twenty two are identified as federally and/or state listed wildlife species and three were identified to have a low potential to occur or low to high potential to breed or forage and include the federally endangered El Segundo blue butterfly, state endangered Belding's savannah sparrow, federally endangered, state endangered, and state fully protected light-footed clapper rail, and federally and state endangered California least tern. There are 15 non-listed special-status species reviewed to have some potential to occur within the geographical vicinity of the project area (CDFW 2015a). None of these species are judged to have a potential for occurrence based on current habitat conditions within the study area.

No USFWS-designated critical habitat for federally threatened and/or endangered wildlife species is present and there is no essential fish habitat is known occur in the study area.

3.3.2.6 Nesting Birds

All developed and undeveloped portions of the study area contain suitable nesting habitat for a variety of avian species including, but not limited to, those species observed during the habitat assessment (see Appendix C of this EIR)

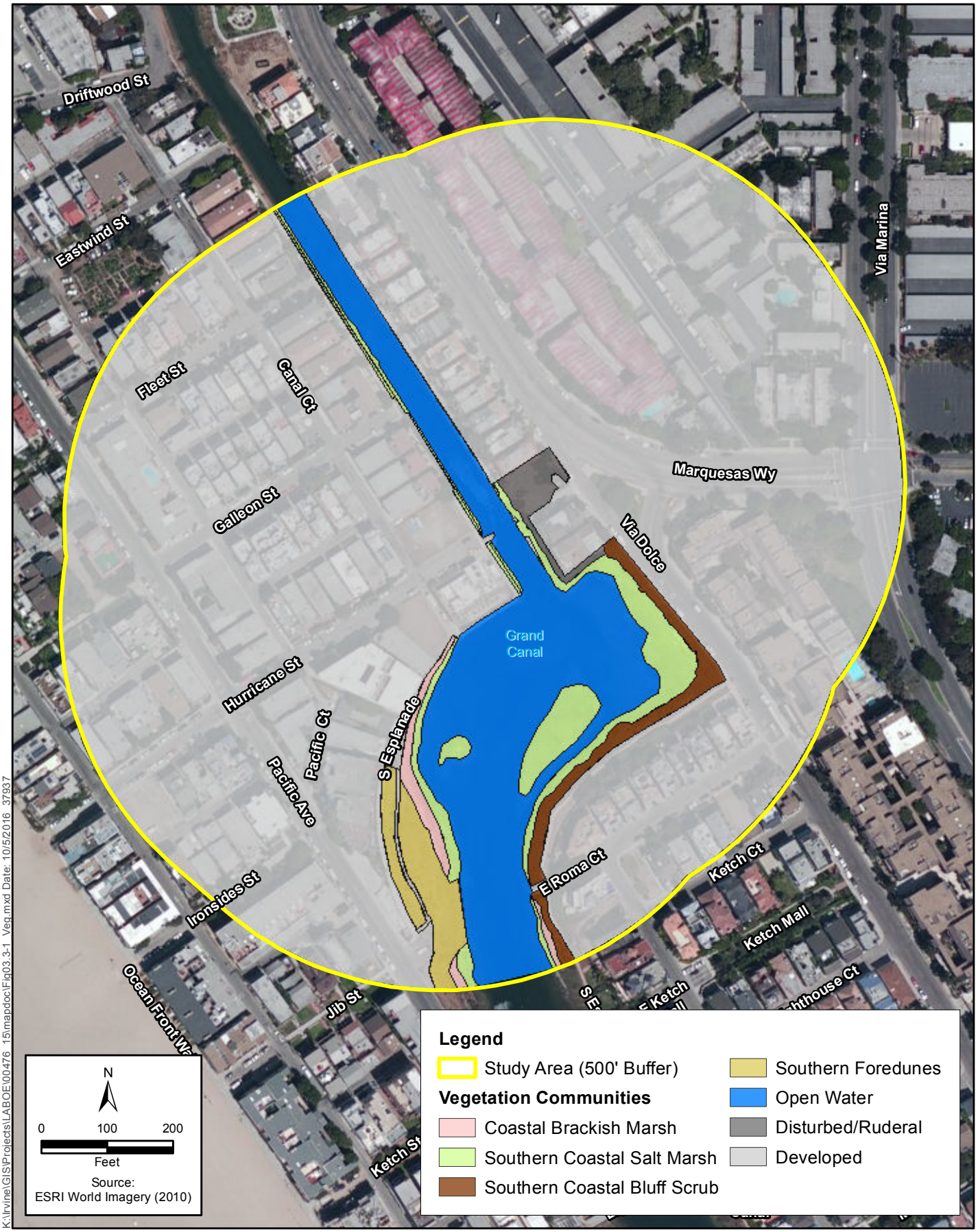

Figure 3.3-1
Vegetation Communities
Venice Auxiliary Pumping Plant Project

3.3.2.7 Raptor Foraging

The study area was evaluated for its potential to support raptor foraging activities. Due to the lack of expansive open areas, the study area would generally not be considered high quality raptor foraging habitat, although it provides foraging opportunities for some raptors that occupy developed areas.

3.3.2.8 Wildlife Corridors

No traditional wildlife corridors linking two regional habitats are identified within the study area as a result of the surrounding urban development and lack of habitat connectivity and upstream hydrological connectivity to any other aquatic resource. However, Grand Canal and Ballona Lagoon provide refuge and foraging habitat for aquatic species and these canals function in part as a partial wildlife corridor despite no upslope connectivity. Therefore, Grand Canal and Ballona Lagoon are treated here as a type of wildlife corridor.

3.3.2.9 Environmentally Sensitive Habitat Areas

The Grand Canal and Ballona Lagoon are classified as an ESHA by the CCC and County of Los Angeles because of their plant and wildlife resources within the local ecosystem. Portions of the Ballona Lagoon have been restored and have increased the functions and values of biological resources within the portion of the ESHA where the project is proposed (Hamilton 2010).

3.3.3 Environmental Impact Analysis

3.3.3.1 Methodology

Potential significant impacts associated with the Proposed Project were identified from the *Biological Resources and Habitat Assessment* and *Jurisdictional Delineation Report* (January 2016). These reports presented findings, conclusions, and recommendations concerning development of the Project Site that were based on an analysis of the existing biological resources and jurisdictional areas contained within the study area and which could be affected by the Proposed Project during construction and operation.

Direct impacts occur when sensitive biological resources are altered through project implementation, such as through vegetation removal, habitat modifications, and injury or death of wildlife species. Indirect impacts may occur from elevated levels of noise or lighting, changes in surface water hydrology, or increased erosion or sedimentation. These types of indirect impacts can affect vegetation communities or their potential use by sensitive wildlife species.

The discussion below identifies potential project impacts and the measures that would be required to mitigate impacts that are found to be potentially significant.

3.3.3.2 Screening Analysis

As noted in Section Chapter 1., Introduction (of this Draft EIR), the analysis and conclusions contained in the Initial Study (see Appendix A [Notice of Preparation/Initial Study] of this EIR) prepared for the Proposed Project considered and then eliminated a number of impacts from further analysis, including those contained in CEQA Appendix G and the *L.A. CEQA Thresholds Guide* (2006). Therefore, only those impacts and corresponding thresholds of significance noted below were determined to require further analysis and are addressed in this EIR.

3.3.3.3 Thresholds of Significance

The criteria used to determine the significance of an impact on biological resources are based on *L.A. CEQA Thresholds Guide*. A project would normally have a significant impact on biological resources if it could result in:

- **BIO-1.** The loss of individuals, or the reduction of existing habitat, of a state or federal listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat;
- **BIO-2.** The loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community;
- **BIO-3.** Interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of a sensitive species;
- **BIO-4.** The alteration of an existing wetland habitat; or
- **BIO-5.** Interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species.

3.3.3.4 Construction Impacts

The analysis below describes the temporary and permanent short-term and long-term direct and indirect impacts on vegetation communities and other sensitive biological resources anticipated as a result of the Proposed Project during construction.

BIO-1. Would the project result in the loss of individuals, or the reduction of existing habitat, of a state or federal listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat?

The analysis below address potential impacts that could occur to biological resources and essential fish habitat during construction related to the loss or reduction of sensitive species and associated habitats as well as critical habitat important to their life cycle.

Special-Status Plants

Woolly seablite, southwestern spiny rush, and red sand verbena, each of which is classified as a CNPS CRPR List 4.2 species (plants of limited distribution) were observed in the study area, but are currently absent within the disturbance footprint, and as a result, no impacts on individuals or populations are anticipated. *Suaeda taxifolia,* a CRPR List 4.2 species, is in a location, which may be affected by construction along the canal banks, as shown in Figure 3 (see Appendix C of this EIR). If these species were to inhabit the disturbance footprint during construction, then impacts would be potentially significant. **Mitigation Measure MM-BIO-1** (see Section 3.3-4), which requires completion of special-status plant surveys prior to initiating construction, will ensure the project will not have a substantial adverse effect, either directly or through habitat modifications, or result in the loss of individuals, or the reduction of existing habitat, of a local, state or federally listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat. Therefore, impacts on special-status plants would be **less than significant with mitigation incorporated.**

Special-Status Wildlife

Four special-status wildlife species could be affected during construction of the Proposed Project, as discussed below.

El Segundo Blue Butterfly

The likelihood of occurrence of El Segundo blue butterfly within the project limits is low, based on the lack of lack of suitable habitat and host plant sea cliff buckwheat (*Eriogonum parviflora*). It is possible that stray individuals could temporarily occupy the adjacent restoration area along the western portion of Ballona Lagoon outside of the project footprint; however, no temporary direct or indirect impacts would occur given the disturbance footprint is approximately 390 feet northeast from the closest habitat containing the host plant. As such, there is a low probability of direct or indirect temporary impacts on this species during construction. In the event this species is present in the host plant during construction, impacts would be potentially significant. Although the host plant sea cliff buckwheat (*Eriogonum parvifolium*) is not a sensitive species, **Mitigation Measure MM-BIO-1**, conducting special-status plant surveys prior to initiating construction, would ensure that no host plants have established within the disturbance footprint prior to construction.

No permanent direct or indirect impacts on El Segundo blue butterfly are anticipated during construction based on the lack of suitable habitat and host plant sea cliff buckwheat (*Eriogonum parviflora*), within the project footprint.

Mitigation Measure MM-BIO-2, monitoring of all vegetation removal and ground-disturbing activities for the duration of the project to avoid incidental disturbance of habitat outside the project footprint and to survey for sensitive wildlife species, would ensure that no temporary impacts would occur to El Segundo blue butterfly. Therefore, impacts on special-status wildlife would be **less than significant with mitigation incorporated.**

Belding's Savannah Sparrow

Belding's savannah sparrow has a moderate potential to forage within the study area due to the nearby population at Ballona Wetlands, although the species has not been observed within Ballona Lagoon or Grand Canal and no records of occurrence are known within the study area (CNDDB 2015). As such, direct or indirect temporary impacts on this species could potentially occur during construction.

Implementation of **Mitigation Measure MM-BIO-2**, which requires monitoring of all vegetation removal and ground-disturbing activities for the duration of the project to avoid incidental disturbance of habitat outside the project footprint and to survey for sensitive wildlife species, would reduce this impact to less than significant levels. Therefore, impacts on special-status wildlife would be **less than significant with mitigation incorporated.**

Light-Footed Clapper Rail

Light-footed clapper rail has a low potential to forage within the study area due to the nearby population at Ballona Wetlands; however, the study area is relatively isolated, lacks quality habitat, and this species has not been observed within Ballona Lagoon or the Grand Canal and no records of occurrence within the study area are known (CNDDB 2015). Nevertheless, direct or indirect temporary impacts on this species could potentially occur during construction.

Mitigation Measure MM-BIO-2, monitoring of all vegetation removal and ground-disturbing activities for the duration of the project to avoid incidental disturbance of habitat outside the project footprint and to survey for sensitive wildlife species, would ensure that no temporary impacts would occur to light-footed clapper rail.

No permanent direct or indirect impacts on light-footed clapper rail would occur as a result of the project during construction due to restoration of the disturbance footprint following construction.

Mitigation Measure MM-BIO-3, restoration of the disturbance footprint following construction, would ensure that permanent direct impacts would be less than significant.

Impacts on special-status wildlife would be **less than significant with mitigation incorporated.**

California Least Tern

California least tern has a less than reasonable potential to breed within the study area due to lack of suitable habitat; nearby suitable and protected breeding grounds are located approximately 0.6 miles from the study area. This species is well known to forage within the study area, however.

As such, construction has the potential to adversely affect this species temporarily. Installation of the cofferdam could cause an increase in turbidity that could have temporary indirect impacts on California least tern foraging either by reducing local prey availability and/or by reducing visibility of prey in the vicinity. Any construction activities conducted during the California least tern nesting season when terns are present could also cause temporary impacts in the form of noise and increased human disturbance that may attract tern predators such as the American crow and common raven. These predators could result in nest predation within the tern colony. Impacts on this species could be potentially significant.

Mitigation Measures MM-BIO-2, monitoring of all vegetation removal and ground-disturbing activities for the duration of the project to avoid incidental disturbance of habitat outside the project footprint and to survey for sensitive wildlife species, MM-BIO-4 properly dispose of all garbage, MM-BIO-5 monitor water quality, and MM-BIO-6 conduct a nesting bird survey during the breeding season, would ensure that impacts on foraging California least tern would be **less than significant**.

No permanent direct or indirect impacts on California least tern would occur as a result of the project during construction due to restoration of the disturbance footprint following construction.

Mitigation Measure MM-BIO-3, restoration of the disturbance footprint following construction, would ensure that permanent direct impacts would be **less than significant**.

Nesting Birds

The study area and disturbance footprint support marginally suitable habitat for nesting birds. As such, direct and indirect temporary impacts on nesting species within the study area could potentially occur during construction. The areas to be affected during construction support potential nesting habitat for ground-nesting birds, such as black-necked stilt (*Himantopus mexicanus*) and killdeer (*Charadrius vociferous*), as well as habitat for a few species that commonly nest in structures and trees in developed areas. Impacts on nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code Sections could be potentially significant if construction activity takes place during the bird breeding season.

Implementation of **Mitigation Measure MM-BIO-6**, which requires a nesting bird survey to be conducted during the nesting bird season and prior to any disturbance within the study area to document the presence or absence of nesting birds, would ensure that no temporary impacts would occur to nesting birds.

Following construction, the project disturbance footprint within Grand Canal would be restored to original conditions. In addition, **Mitigation Measures MM-BIO-2**, which requires monitoring of all vegetation removal and ground-disturbing activities for the duration of the project to avoid incidental disturbance of habitat outside the project footprint and to survey for sensitive wildlife species, would be implemented. Implementation of **Mitigation Measures MM-BIO-4**, properly dispose of all garbage, MM-BIO-5, monitor water quality, and MM-BIO-6, conduct a nesting bird survey during the breeding season, would also ensure that permanent impacts on nesting birds would be **less than significant with mitigation incorporated** should the project occur during the nesting season.

Raptor Foraging

Raptors such as osprey, Cooper's hawk, and red-tailed hawk are generally not expected to nest within the study area due to the disturbed and developed nature of the project; however, limited foraging habitat does occur for some raptor species. Because the project impacts within natural habitats would be limited to a relatively small and defined portion of the Grand Canal and to a lesser extent Ballona Lagoon within the context of an urban environment and are temporary in nature, they are not considered significant. Implementation of **Mitigation Measures MM-BIO-2**, monitoring of all vegetation removal and ground-disturbing activities for the duration of the project to avoid incidental disturbance of habitat outside the project footprint and to survey for sensitive wildlife species, MM-BIO-4 properly dispose of all garbage, MM-BIO-5 monitor water quality, and MM-BIO-6 conduct a nesting bird survey during the breeding season, would ensure that impacts on raptors would be **less than significant**.

Essential Fish Habitat

No designated Essential Fish Habitat is present within the study area; therefore**; no impacts** would occur during construction and no mitigation is required.

BIO-2. Would the project result in the loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community?

The analysis below addresses potential impacts that could occur on vegetation communities and ESHA during construction, resulting in the loss of individuals or the reduction of existing habitat, locally designated species, natural habitat, or plant community.

Vegetation Communities

Temporary and permanent direct impacts on vegetation communities resulting from construction activities are quantified in Table 3.3-2. These impacts are considered significant. Implementation of **Mitigation Measures, MM-BIO-2** monitoring of all vegetation removal and ground-disturbing activities for the duration of the project to avoid incidental disturbance of habitat outside the project footprint and to survey for sensitive wildlife species, BIO-3 restoration of the disturbance footprint following construction, MM-BIO-7 construction limits will be identified using silt fencing, and

Table 3.3-2. Temporary and Permanent Impacts on Vegetation Communities/Land Use/Land Conditions within the Study Area

Vegetation Community/Land Use/Land Condition	Temporary Impacts (acres)	Permanent Impacts (acres)
Developed	0.17	0.27
Disturbed/Ruderal	0.12	-
Open Water	0.06	
Southern Coastal Salt Marsh	0.02	-
Coastal Brackish Marsh	0.003*	-
Southern Foredunes	-	-
Southern Coastal Bluff	-	-
Total	**0.37**	**0.27**

*Temporary impacts are negligible and this community would be avoided during project construction. Mitigation Measures MM-BIO-2, BIO-3, and 7 would also be implemented.
Source: ICF, 2016.

MM-BIO-9 restoration of mudflat, would reduce the potential that the Proposed Project would cause the loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community. Therefore, impacts on this sensitive vegetation community would be **less than significant with mitigation incorporated.**

Environmentally Sensitive Habitat Areas

The Grand Canal and Ballona Lagoon are classified as an ESHA by the CCC and County of Los Angeles because of their plant and wildlife resources within the local ecosystem. Direct and indirect temporary impacts on the ESHA as a result of project construction could be significant. Implementation of **Mitigation Measures MM-BIO-7**, construction limits will be identified using silt fencing, and MM-BIO-8, existing and potential values in ESHA shall be protected, enhanced, and restored as necessary to previous undisturbed conditions, would limit the potential that project construction would result in the loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community. No permanent impacts would occur as a result of the Proposed Project. Therefore, impacts on the ESHA would be **less than significant with mitigation incorporated.**

BIO-3. Would the project result in an interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of a sensitive species?

The Proposed Project includes temporary direct impacts on the Grand Canal, its banks, and adjacent undeveloped lots to be used as construction laydown areas (see Chapter 2, Figure 2-2, of this EIR). The Grand Canal would also receive increased light exposure from temporary construction lighting that will be installed to prevent incursion into the construction area. Temporary indirect impacts may occur during construction and include increased sedimentation as a result of installation and removal, minor alteration of surface water hydrology within the Grand Canal from the coffer dam, construction noise and lighting, as well as dust and other particulates that may become airborne during construction. These impacts could be significant and could diminish the chances of long-term

survival of a sensitive species. However, with implementation of **Mitigation Measures MM-BIO-1**, conducting special-status plant surveys prior to initiating construction, **MM-BIO-2**, monitoring of all vegetation removal and ground-disturbing activities for the duration of the project to avoid incidental disturbance of habitat outside the project footprint and to survey for sensitive wildlife species, **MM-BIO-4**, properly dispose of all garbage, **MM-BIO-5**, monitor water quality, **MM-BIO-6**, conduct a nesting bird survey during the breeding season, and **MM-BIO-7**, construction limits will be identified using silt fencing, impacts would be reduced to **less than significant with mitigation incorporated** during construction**.**

BIO-4. Would the project result in the alteration of an existing wetland habitat?

The Proposed Project would occur within the jurisdiction of several agencies including, but not limited to, USACE, RWQCB, and CCC and would result in temporary direct and indirect impacts on aquatic resources, including an existing wetland habitat through the construction of the components within the Grand Canal (see Figure 3.3-2). These impacts would be significant. No permanent direct or indirect impacts would occur because all impacts would be below grade and the original grade would be restored to pre-construction conditions. Table 3.3-3 below quantifies temporary impacts on jurisdictional waters and wetlands regulated by each of the agencies. Applicable permits from resource agencies would be obtained during the permitting phase prior to construction and all permit conditions and avoidance and minimization measures would be implemented. **Mitigation Measures MM-BIO-3**, restoration of the disturbance footprint following construction, **MM-BIO-5** monitor water quality, and **MM-BIO-9**, restoration of mudflat, would reduce project impacts to a less than significant level. Therefore, impacts associated with alteration of an existing wetland habitat would be **less than significant with mitigation incorporated.**

Table 3.3-3. Temporary Impacts on Aquatic Resources (acres)

Study Area Feature	USACE Section 404 Non-Wetland Waters of the United States/ RWQCB Section 401 Non-Wetland Waters of the State	USACE Section 404 Wetland Waters of the United States/RWQCB Section 401 Wetland Waters of the State	USACE Section 10 Navigable Waters of the United States	CCC One-Parameter Wetlands
Ballona Lagoon and Grand Canal	0.092	0.012	0.056	0.092
Total	**0.092**	**0.012**	**0.056**	**0.092**

Source: ICF, 2016.

BIO-5. Would the project result in an interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species?

Construction of the Proposed Project would include installation of a cofferdam that would partially block the Grand Canal; however, hydrological connectivity between upstream and downstream would remain in place throughout construction. Because the study area does not contain any identified wildlife corridors, it would not result in interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species. Therefore, impacts on wildlife corridors would be **less than significant.**

3.3.3.5 Operational Impacts

The analysis below describes the temporary and permanent short-term and long-term direct and indirect impacts on vegetation communities and other sensitive biological resources anticipated as a result of project operation.

BIO-1. Would the project result in the loss of individuals, or the reduction of existing habitat, of a state or federal listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat?

The analysis below address potential impacts that could occur to biological resources and essential fish habitat during operation related to the loss or reduction of sensitive species and associated habitats as well as critical habitat important to their life cycle. As noted below, no impacts on special-status plants and wildlife or essential fish habitat would occur and therefore, no mitigation is required. **Less-than-significant impacts** on nesting birds and raptor foraging habitat would occur, and no mitigation is required.

Special-Status Plants and Wildlife

No impacts would occur to special-status plants (i.e., woolly seablite, southwestern spiny rush, and red sand verbena) or special-status wildlife (i.e., El Segundo blue butterfly, Belding's savannah sparrow, light-footed clapper rail, and California least tern) because the Project Site would be paved and include landscaping and open space uses that would not contain suitable habitat for these species. As a result, no impacts on individuals or populations would occur. The Grand Canal bank, which would be disturbed by construction of the diversion structure, would be restored to include native plant communities and species, based upon agency permit requirements. This would enhance the overall potential habitat for these species. Therefore, operation of the Proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, or result in the loss of individuals, or the reduction of existing habitat, of a local, state or federal listed endangered, threatened, rare, protected, or candidate species, or a Species of Special Concern or federally listed critical habitat. Therefore, **no impacts** on special-status plants would result, and no mitigation is required.

Nesting Birds

Less-than-significant impacts on nesting birds would occur during operation. The study area supports marginally suitable habitat for nesting birds, including ground-nesting birds, such as black-necked stilt and killdeer, as well as a habitat for a few species that commonly nest in structures and trees in developed areas. As discussed in Section 4.1 (Aesthetics), there are no trees proposed at the VAPP and landscaping would be limited due to operational and access needs. Although the landscaping and design for the proposed open space area has not been finalized, it is anticipated that some trees, landscaping, and grassy areas would be included. Because any tree trimming proposed within the open space area would need to occur in compliance with the *Migratory Bird Treaty Act* and *California Fish and Game Code* sections, impacts would be less than significant. Also, the additional habitat resulting from restoration of the Grand Canal slope that would be disturbed by construction of the diversion structure may provide additional habitat for ground-nesting birds. Therefore, impacts on nesting birds would be **less than significant**; no mitigation is required.

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Figure 3.3-2
USACE/RWQCB Jurisdictional Delineation Results Map
Venice Auxiliary Pumping Plant Project

Raptor Foraging

As indicated above, raptors are generally not expected to nest within the study area due to the disturbed and developed nature of the project and only limited foraging habitat is present. Because additional habitat resulting from restoration of the Grand Canal slope disturbed by construction of the diversion structure would be in place during operation, some additional foraging opportunities would result and would therefore be considered beneficial. As such, impacts on raptors would be **less than significant**; no mitigation is required**.**

Essential Fish Habitat

No designated Essential Fish Habitat is present within the study area; therefore; **no impacts** would occur during operation; no mitigation is required.

BIO-2. Would the project result in a loss of individuals or reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community?

No impacts on vegetation communities or an ESHA would occur during operation since none would be removed or adversely affected. Although the landscaping plan for the open space area has not been developed, the use of some native plants will be required in the plant palette. This would assist to ensure that the Proposed Project would not cause the loss of individuals or the reduction of existing habitat of a locally designated species or a reduction in a locally designated natural habitat or plant community. It would also contribute to the overall habitat quality and quantity of the ESHA. Therefore, impacts on this sensitive vegetation community or ESHA would be **less than significant,** and no mitigation is required.

BIO-3. Would the project result in an interference with habitat such that normal species behaviors are disturbed (e.g., from the introduction of noise, light) to a degree that may diminish the chances for long-term survival of a sensitive species?

No natural habitats would experience direct permanent impacts during operation with the exception of habitat within Grand Canal and Ballona Lagoon that could be subject to permanent lighting installed on the new facility. Lighting at the VAPP and adjacent open space area may increase the amount of permanent ambient light within the Grand Canal and Ballona Lagoon. An increase in light could expose wildlife to increased detection and predation and could also deter some wildlife from utilizing the immediate area around the proposed facility lighting. However, the increase in ambient light resulting from operation of the project would be less than significant given the existing ambient light from surrounding residences and public infrastructure. The Proposed Project would be subject to City of Los Angeles lighting requirements and those contained in the Venice Community Plan (VCP) and Venice Local Coastal Program (VLCP), which would reduce the amount of ambient light spillover into the canal. Conditions contained in those documents require that lighting be maintained on-site and no spillover occur on adjacent sensitive land uses. Therefore, operation of the Proposed Project would result in **less-than-significant** impacts and would not diminish the chances for long-term survival of a sensitive species.

BIO-4. Would the project result in the alteration of an existing wetland habitat?

No impacts on an existing wetland habitat would occur during operation of the Proposed Project because none would be removed or altered as a result of project operations; therefore, the project would result in **less-than-significant** impacts with no mitigation is required**.**

BIO-5. Would the project result in an interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species?

The study area consists of a partial wildlife corridor and contains aquatic habitat connected to Marina Del Rey that provides refuge and foraging habitat. Project operation would not result in interference with wildlife movement/migration corridors that may diminish the chances for long-term survival of a sensitive species because all facilities within the Grand Canal would be below existing grade. Therefore, impacts on wildlife corridors would be **less than significant**, and no mitigation is required.

3.3.4 Mitigation Measures

The following mitigation measures were developed to avoid or minimize the Proposed Project's potential impacts on biological resources and jurisdictional areas and are also contained in Appendix C of this EIR.

MM-BIO-1: Special-Status Plant Surveys

To confirm the presence or absence of special-status plant species within the disturbance footprint, a special-status plant survey shall be completed prior to construction. The focused survey shall be conducted by a qualified biologist during the appropriate blooming period, or when the plant is readily identifiable, prior to the start of construction activities. If any sensitive non-listed plant species is found, then the individuals shall be clearly identified and avoidance measures shall be utilized to the extent practical.

MM-BIO-2: Monitoring During Vegetation Removal

A qualified biologist shall monitor all vegetation removal and ground-disturbing activities, such as staging and grading, for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat outside the project footprint and to survey for sensitive wildlife species. When vegetation removal and ground-disturbing activities are not occurring, as-needed monitoring at the project site shall occur. Monitoring logs, as appropriate depending on project activities, shall be maintained for the duration of construction activities.

MM-BIO-3: Restoration of Vegetation within Grand Canal

Regarding the disturbance footprint within the Grand Canal, habitat along the bank shall be restored to its original condition by seeding, cuttings and/or container plant installation following construction. Habitat restoration shall be performed in coordination with regulating agencies (CCC, USACE, and RWQCB) and as required by agency permits. A habitat restoration plan shall be prepared and submitted to EMG for review and approval, prior to submittal to the agencies. The plan will include a native plant palette, and establishment period, as well as success criteria and monitoring requirements. In addition, a monetary contribution may be provided to the Grand Canal Restoration Project fund for wider restoration of the canal banks.

MM-BIO-4: Covered Disposal Containers

Work crews shall properly dispose of all garbage in covered containers to avoid attracting predators (such as crows and ravens) that could contribute indirectly to depredation of California least tern eggs and chicks in the nearby nesting colony.

MM-BIO-5: Water Quality Monitoring During Construction

Water quality shall be monitored by the qualified biologist or a water quality specialist to ensure that no substantial increases in turbidity occur during construction, and that no erosion occurs on the west bank during in-water construction activities. The contractor shall ensure compliance with RWQCB Section 401 Water Quality Certification, USACE Section 404 authorization, applicable water-quality related Best Management Practices, and the project Storm Water Pollution Prevention Plan.

MM-BIO-6: Nesting Bird Survey

If construction commences during the bird breeding season (February 15 through August 31), a preconstruction survey for nesting birds shall occur within three days prior to construction activities by an experienced avian biologist. The survey shall occur within all suitable nesting habitat within the project impact area and a 500-foot buffer. If nesting birds are found, an avoidance area shall be established in consultation with the resource agencies as appropriate by a qualified biologist around the nest until a qualified avian biologist has determined that young have fledged or nesting activities have ceased. The project site shall be re-surveyed if there is a lapse in construction activities for more than seven days during the bird breeding season.

MM-BIO-7: Silt Fencing at Construction Limits

Construction limits shall be identified using silt fencing, which shall be installed under the supervision of a qualified biologist prior to the commencement of work. Construction personnel shall strictly limit their activities, vehicles, equipment, and construction materials to the project footprint, including designated staging areas, and routes of travel. The construction areas shall consist of the minimal area necessary to complete the proposed project. The fencing shall remain in place until the completion of all construction activities.

MM-BIO-8: ESHA Protection

Existing functions and values in ESHA shall be protected, enhanced, and restored as necessary to previous undisturbed conditions in accordance with applicable USACE, RWQCB, CCC, or City of Los Angeles permits and requirements.

MM-BIO-9: Restoration of Mudflats within Grand Canal

The temporary work area in the Grand Canal within mudflat/open water shall be returned to pre-construction grade and contours following construction.

3.3.5 Significant Unavoidable Adverse Impacts

There are no significant unavoidable adverse impacts that would result with implementation of the Proposed Project either during construction or operation. All impacts would be less than significant with mitigation incorporated.

3.3.6 Cumulative Impacts

Based upon a review of Table 1-1, Related Projects List (see Chapter 1, Introduction of this EIR), none of these projects have resulted in, or are likely to result in, significant impacts to biological resources in the vicinity of the Proposed Project, either individually or cumulatively. With the implementation of the proposed mitigation measures identified above for the Proposed Project, no significant effects would occur on biological resources and no other known projects in the vicinity of the Proposed Project that, when considered together, would result in significant adverse impacts to the wildlife and habitats in the vicinity of the Project Site. Therefore, cumulative impacts related to biological resources would be less than significant.